WP 8227/03
OA 1213/93

BEFORE THE STATE ADMINISTRATIVE TRIBUNAL AT JABALPUR

W.P.No. 759/05

O.A. NO. (1213) /1993

3

APPLICANT: Rakesh Kumar Tripathi,
s/o Shri K.D.Tripathi,
aged about 24 years,
R/o Near Ashok Talkies
Sakti, Distt. Bilaspur

Versus State of M.P. through
1. The Secretary, School Educatio
Vallabah Bhawan, Bhopal.

RESPONDENTS:

2. The Director Public Instructions,
Madhya Pradesh, Bhopal.

3. Joint Director, Public Instruction,
Bilaspur Division, Bilaspur.

4. The Principal Govt. Boys H.S.School
Champa, Distt. Bilaspur (M.P.)

APPLICATION U/S 19 OF THE A.T. ACT 1985.

(70)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W.P.S. No. 759 of 2005

Petitioner : Rakesh Kumar Tripathi.

Versus

Respondents : The Director Public Instructions and [illegible] others.

Shri Akhil Kumar Agrawal, counsel for the petitioner.

Shri Ajay Dwivedi, Panel lawyer for the State/respondents.

ORAL ORDER

(21st July, 2006)

1. The petitioner was appointed as Contingency Paid Peon, by order dated 22.6.1992 (Annexure A-5) at the rate fixed by the Collector. Thereafter, the appointment of the petitioner was cancelled vide order dated 26.4.1993 in view of the memo dated 23.9.1991 issued by the Directorate of Public Instructions, then Government of Madhya Pradesh and further memo dated 30.3.1993 issued by the Joint Director, Education, Bilaspur, on the ground that the appointment of the petitioner was not in accordance with law and as per the constitutional scheme.

2. The constitution bench of Supreme Court in the recent judgment in **Secretary, State of Karnataka & Others Vs. Umadevi (3) and Others** (2006) 4 SCC has clearly observed that the persons appointed on temporary, contractual, casual daily wages employees not appointed

(71)

in accordance with law and as per the constitutional scheme, have no right to absorption or regularization or re-engagement on the post. In view of that, the order dated 26.4.1993 (Annexure A-7) cannot be held as invalid or illegal.

3. Admittedly, in the present case the appointment of the petitioner was not in accordance with law, but he was appointed as Contingency Paid Peon. In view of the dictum laid down by the Supreme Court in **Secretary, State of Karnataka & Others Vs. Umadevi (3) and Others** (2006) 4 SCC (supra) no relief can be granted to the petitioner at this stage, after a period of 13 years to reinstate the petitioner on the post of Peon.

4. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Court